

CLAIMS FOR DEPREDACTIONS BY SIOUX INDIANS.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMITTING

*Report of commissioners on claims presented for injuries and depredations by the
Sioux Indians, in Minnesota, in 1862.*

MARCH 15, 1864.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 14, 1864.

SIR: I have the honor to transmit herewith the report, books, papers, and awards of the commissioners appointed under the act of Congress of February 16, 1862, entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians." Certain claims of merchants and traders are withheld, as I am not satisfied to report them for the action of Congress, without further examination.

With regard to the remaining claims, it must be apparent to Congress that it has been utterly impracticable for the department to give them that minute and detailed examination which would justify the statement that each of them is, in all respects, correct.

It appears from the report of the commissioners that they were governed, in their investigations, by the instructions emanating from this department. From the attention I have bestowed upon the subject, I am enabled to say that the claims are possessed of much merit, and that the conclusions of the board are, in all probability, just.

It will be seen, upon an inspection of the claims and the evidence adduced in their support, that the damages for which awards have been made did not, in all cases, accrue from the direct acts of hostility of the Indians, nor from the action of the troops of the United States. In some instances such damages resulted from the failure of the parties to give adequate protection to their property and crops, as they were obliged, under reasonable and well-founded apprehensions of imminent danger, to flee from their homes, and I have no doubt that the surrounding circumstances justified them in the belief that they could not, in safety, return to them. Such damages are, however, in fact, so intimately connected with the Sioux outbreak, that it is difficult to say that the claimants, in this class of cases, are not as justly entitled to the favorable con-

sideration of Congress as those where the proof shows that the damages were the direct and immediate result of the wrongful act of the Indians, or of the appropriation or destruction of property by the United States troops.

The protracted delay incident to a full examination of each case would occasion a grievous hardship to a large number of claimants, whose title to relief, under the act, is clear and undoubted.

I have, therefore, determined to report the claims, at the present time, for such action as Congress may deem advisable in the premises.

The accompanying statement shows the amount allowed by the commissioners, the amount paid as "present relief," and the balance of the awards remaining unpaid.

Very respectfully, your obedient servant,

J. P. USHER,
Secretary.

HON. SCHUYLER COLFAX,
Speaker of the House of Representatives.

Condensed statement of balance of awards made by the Sioux commission.

Amount allowed.....	\$1,370,374 00
Present relief	200,000 00
Balance of awards.....	<u>1,170,374 00</u>

Statement of balance of awards, after deducting amount of awards to merchants and licensed traders, retained in the department for further examination.

Balance of awards.....	\$1,170,374 00
Award to traders and merchants.....	208,303 00
Balance	<u>962,071 00</u>

(No. 1.)

APPENDIX.

NOTICE.

The commissioners appointed under the act of Congress entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, announce, in pursuance of the 8th section of said act, the following rules, of which claimants and others will take notice, to wit:

1. All claims shall be plainly and succinctly set forth in writing, signed by the party, and sworn to before some judicial officer, whose official character must be authenticated according to the laws of Minnesota. The character of the complainant, whether the head of a family or otherwise, must be stated; also whether the claim is in right of the person making it, or in right of another through executor, administrator, guardian, trustee, or the like, which representative character must be properly proved and shown. It must state the habitual place of residence of the beneficiary and claimant. The complaint must specify, as near as practicable, the particular band of Indians who committed the depredation, or, where the injury was received from the troops of the United States,

it must name the commanding officer, or otherwise identify the military force; and further show that no reparation or compensation has been received for such loss or injury. The complaint must state clearly the nature of the injury, and value and kind of property destroyed, together with the amount of damage sustained, and when and where it accrued, whether direct or consequential. If the injury was to the domicile of the complainant, the fact should clearly appear; and for a better adjudication of the case, it should be stated whether any and what members of the family were killed, wounded, or disabled, and who are the survivors.

2. The mere affidavit of the party will not of itself be sufficient to establish the claim, without adducing other proofs such as are admissible in a court of justice. Witnesses will be heard in behalf of the claimant, and commissions will be issued by the commissioners on the request of the party to take such written testimony as, in the discretion of the commissioners, may be thought right and proper.

3. Until further order, all claims will be presented to the commissioners at their office in the town of St. Peter, Minnesota.

4. In the hearing of cases, preference will be given, as to time, to the heads of families; and of that class, those who have been despoiled of their homes, and the more helpless and destitute, will be first in order. Other cases will be docketed for hearing in the order of merit or urgency, as shall appear to the commissioners when presented. All claims properly filed, on or before the first day of June next, will be heard before those subsequently presented. No claim can be presented after the first day of September next.

5. The statute does not authorize the commissioners to make any allowance to claimants for the fees of their own witnesses, or other expenses of proving and prosecuting their claims.

6. The fund to be apportioned by the commissioners can only be distributed to families whose claims are presented on or before the first day of June next; claims thereafter presented, until and including the first day of September next ensuing, will be heard and adjudicated, but must abide the further action of Congress, or of the proper department.

7. In distributing the moneys appropriated, no payment can be made by the commissioners, exceeding the sum of two hundred dollars to any one family. In apportioning this fund, if found insufficient for the purposes of the law, small claims will have the preference; and injuries involving the loss of household goods, farming stock, or utensils, or the destruction of the domicile, and all cases of extreme hardship, will be preferred to claims of another class. No award can be paid until approved by the Secretary of the Interior, beyond the two hundred dollar maximum allowance, as aforesaid.

8. The duties of the commissioners being two fold—1st. To award early and limited relief to families whose claims may be presented on or before the first day of June next; and 2d. To ascertain the whole amount of damages sustained from the causes named in the act, and the persons who have suffered the same—and no appropriation being yet made, except for the first named object, to avoid imposition, it will be required of those seeking the benefit of the present appropriation to make known to the commissioners the constituent members of their families, and the relations in which the claimant stands to the same.

9. The commission will hold its first session at St. Peter on the 31st day of March instant, adjourning from day to day thereafter, until further or other order, of which due notice will be given by publication in a newspaper published at St. Peter, or otherwise.

A supplemental act of Congress, approved March 3, 1863, applies the provisions of the act of February 16, to all damages sustained by reason of depredations.

dations and injuries by said Indians, as therein set forth, in the State of Iowa, and Territory of Dakota, as well as the State of Minnesota.

In behalf of the commissioners.

ALBERT S. WHITE.

WASHINGTON CITY, *March 9, 1863.*

No. 2.

Extracts from a deposition of Thomas J. Galbraith, Esq., agent of the United States for the Sioux of Minnesota, taken (at large) by and before the United States Sioux Commissioners on the 10th day of October, 1863, and in continuation.

* * * * * At the time of the Sioux outbreak I was temporarily absent from the reservation. I left Yellow Medicine on the 14th of August, 1862, to be absent ten or twelve days. I committed the business of the agency in my absence to Nelson Givens, assistant agent. I started to take a company of recruits for the United States army to Fort Snelling to be mustered into the service. This company numbered, I think, forty-nine. It was made up of 15 or 20 mixed bloods and about 20 traders' clerks, visitors on the reservation and persons on the opposite side of the Minnesota river, and some eight or ten government employes. Before these recruits started from the reservation, there were on the reservation, residing and sojourning, at least two hundred able-bodied white men, and nearly a hundred men of mixed blood; and in Renville county, along the Minnesota river, between the upper agency and Fort Ridgely, (on the Fort Ridgely side,) there were at least one hundred able-bodied white men. I arrived at the lower Sioux agency on the evening of the 14th of August; remained there until the afternoon of the 16th, when I went to Fort Ridgely with said recruits and remained at the fort over night. Captain Marsh, the commandant of the fort, furnished government transportation for the recruits and sent with us five soldiers and a sergeant. First Lieutenant Culver also accompanied us. We started from Ridgely for Fort Snelling by way of New Ulm on the 17th, to get some recruits who were to join us there, and remained in New Ulm until the morning of the 18th. New Ulm is situated on the Minnesota river, thirty miles below the lower agency and about eight miles below the southeastern line of the lower Sioux reservation. We started from New Ulm about eight or nine o'clock on the morning of the 18th, and arrived at St. Peter, on the Minnesota river, thirty miles below New Ulm, in the afternoon of the same day. About sundown a messenger arrived in St. Peter from the lower agency and Fort Ridgely with the tidings of the outbreak. He was greatly excited, and his conversation was so incoherent that for a time we scarcely credited his statements. After interrogating him considerably, we were satisfied that something serious had occurred, and set about making preparations to return. We had no arms, but discovered that there were fifty muskets and accoutrements belonging to the State of Minnesota in St. Peter. With great difficulty, we obtained these about midnight. We also obtained some powder, lead and buckshot, and immediately all hands set to work to put the muskets in order and to make cartridges. We got ready and started for Fort Ridgely a little after daylight of the 19th. Fort Ridgely is forty-four miles above St. Peter. During the night of the 18th a fugitive from New Ulm and a messenger direct from Fort Ridgely arrived in St. Peter and communicated to us some details of the outbreak, sufficient to satisfy us that it was terrible indeed. In the course of the same night I forwarded three despatches to the governor of Minnesota, informing him of the condition of affairs, and asking for aid. Lieutenant Culver also transmitted two or three despatches to the gov-

error; and a messenger from Fort Ridgely left St. Peter for St. Paul about an hour before daylight on the morning of the 19th, with despatches from Lieutenant Gere, then commanding at Fort Ridgely, for the governor. Our company of recruits was called "The Renville Rangers." We arrived at Fort Ridgely about five o'clock p. m. on the 19th. We there found that on the 18th Captain Marsh with forty-eight men had gone up to the lower agency to quell the outbreak, and fell into an ambuscade of Indians at the ferry at the lower agency; and, as it was then understood, the Captain and his entire command were destroyed, with the exception of thirteen men who had arrived at the fort. Ten or twelve others arrived afterwards. I believe that Marsh lost twenty-three men of his command, in all. The captain was not killed by the Indians, but was drowned while attempting to cross the Minnesota river, about a mile below the ferry.

We were besieged in the fort until the morning of the 28th of August, when the garrison was relieved by several hundred citizen soldiers under Captains Northrup and Chittenden, and Colonel McPhael. Colonel Sibley, with the 6th regiment Minnesota volunteers, arrived in the course of the same day. The Indians made but two attacks in force upon the fort—one on the 20th, the other on the 22d August, but they kept prowling around the fort nearly all the time.

When I left the agency I informed my assistant agent, my clerks, each of the interpreters, and made the information general, that I should certainly be back in eight or ten days; that I intended to consume as little time in my absence as possible. I also told my interpreters to give this information to the Indians; and Captain Marsh, the commandant at Fort Ridgely, promised to keep up regular communication with the agency, and see that good order was preserved. I did not anticipate this outbreak. I was always of the opinion, from the first time I went to the agency, that the Blanket Sioux Indians would, sooner or later, cause difficulty.

At the time of the outbreak, the trust property of the government, under the immediate control of the department and in the possession of the farmer Indians, was worth, in my opinion, not less than one-half million of dollars. It must have cost much more. In this estimate I include all permanent improvements upon the lands, the goods in the warehouses, the agricultural and other implements, the cows, oxen, and horses of the department and farmer Indians, the household and kitchen furniture of the farmer Indians, and the growing crops. The crops were excellent. There were none better of the kind in the Minnesota valley, on a general average. There were over 2,000 acres of corn, which I think it is safe to say would have yielded over 25 bushels to the acre, and there were over five hundred acres of potatoes, which would have yielded 150 bushels to the acre. There were also large quantities of vegetables planted; beans, peas, turnips, ruta bagas, squashes, pumpkins, beets, and other small vegetables. The Indians took, or carried away or destroyed, all the light movable property which they possibly could do, when they retired before the approach of the United States troops. They destroyed all the dwelling-houses except two, and nearly all the other buildings on the upper reservation. They destroyed very few of the Indian dwellings on the lower reservation.

* * * * *

The commissary department of the expedition (General Sibley's) was wretchedly supplied. The men while at Camp Release had nothing to eat but potatoes. On several occasions, indeed, there were but slight supplies for the men until we arrived at the lower agency, some time in the latter part of October, 1862. The expedition depended for forage for their horses and oxen upon the resources of the reservation and the neighboring settlements. All the hay, oats, corn, potatoes, abandoned cows, sheep, and oxen, possible, were "gobbled up" and brought into camp to prevent starvation of men and animals. Sibley's expedition left the reservation about the 9th of November. I was with

several foraging parties among the settlements on Beaver Creek, Birch Coolie, and between those places, and between Birch Coolie and Fort Ridgely. Birch Coolie is nearly opposite the lower Sioux agency. The Indians had destroyed scarcely anything by fire in these settlements. They had taken away most of the wearing apparel and bedding, and all light and valuable articles, such as silver ware and other light and valuable household goods; but we found remaining in those settlements a great deal of the household furniture, tools, books, ploughs, hoes, stoves, queensware, crockery, glassware, a large number of cattle, hogs, chickens, some sheep, hay, oats, and corn. Most of such articles were taken by these foraging parties. Whatever could be used as provisions or provender was taken to camp, and turned over to the proper department officers. All other articles taken mysteriously disappeared. These foraging parties seemed to have a perfect *mania* to seize everything that came in their way, using no discrimination as to the value or convenience of the article taken. This *mania* was not general among the soldiers; some of them engaged in it, not many, however, to my knowledge. The teamsters and transient visitors, technically known as "Algerines," literally *pitched into* this business.

* * * * *

OCTOBER 13.

Examination resumed.

Question by the commissioners. State whether, to your knowledge, the citizens of Minnesota, by any trespass upon the privileges or country of the Sioux Indians, or by any fraudulent or wrongful conduct towards them in any manner, provoked or precipitated the uprising of the Indians in 1862?

Witness answering generally, says "No!"—Explaining, he adds that the Indians never fully conceded the right to the whites to settle in the retroceded part of the reservation lying north (or east) of the Minnesota river. This was always a subject of complaint, and they never seemed to have a full appreciation or understanding of the treaty of 1858 in this respect. The retained portion of the reservation (west of the river) furnished but little for hunting or trapping, and witness is aware of little or no complaint on the part of the Indians of any invasion of their rights or privileges in this regard. On the contrary, the Indians themselves habitually hunted and trapped outside their proper reservation both on the receded ten-mile strip and beyond it, camping for that purpose in distant neighborhoods and among the white settlements.

Prior to the definite survey of the reservation, a number of white families had settled on the extreme southern end of it, understanding it to be government lands, some of whose pre-emption claims, or "declaratory notices" were allowed and received by the government; and witness imputes no fault or rapacity to the settler on that score. After the lines of the survey proved these people to fall within the reservation, they did not all leave. Some who had intended to build, forebore to do so. The fact that a few remained was made the occasion or pretext of complaint, or fault-finding by the Indians when in that mood, but never occasioned any serious disturbance to witness' knowledge except in a single instance (the winter before witness' incumbency) when some Indians returning from New Ulm, reputedly drunk, raised a quarrel and killed one of those settlers at his house. Elsewhere on their reservation and outside of said strip (which was a triangular gore) witness knows of no other pretended invasion on the reservation privileges of the Indians, either by hunting, trapping, the appropriation of timber, or other method. Aside from the creek and river bottoms, there was almost a total absence of timber upon the reservation tracts on either side of the river. The citizens were generally kind to the Indians who frequented their neighborhood.

During witness' official connexion with the tribes, no white man entered their reservation for the purposes of trade with them except by his permission, and

no irritations arose from this source. The only qualification to this statement is, that in the lower reservation, at the first payment witness superintended, some persons were detected in the illicit sale of whiskey to the Indians. This, as soon as discovered, was suppressed by the police or military force at witness' disposal; and after that, he knows of no whiskey being brought on the lower reservation for any such purpose, except that he had information that a very few settlers on the neutral strip above mentioned had whiskey concealed, of which he promptly informed the United States attorney (or marshal) and asked for its suppression; he has, however, heard of very few carousals even in that strip. It is very true that the Indians would sometimes procure whiskey outside of the reservation, at New Ulm and other places, and come home drunk, or probably bring whiskey with them; and the older Indians sometimes complained that their young men were thus tempted or seduced.

In the upper Reserve witness has never heard of a drunken Indian, during his incumbency, below Lac-qui-Parle. In the winter of 1862 he was made aware that certain parties from the neighborhood of Fort Abercrombie had introduced spirituous liquors among the Indians in Big Stone lake and Lake Traverse, which was greatly damaging to the Indians. Witness sent for the attorney and marshal of the United States, and fitted them out with transport to Fort Abercrombie, where they arrested three or four of these offenders, and had them indicted in the United States district court at Mankato, and the prisoners finally escaped on some dilatory motion. Witness does not know that the offence was ever repeated on the upper Reserve. There were but few whites near the upper Reserve, and witness knows of no other disturbance, or cause of disturbance, with the upper bands. The question of the occupancy of the ten-mile strip east of the river influenced the upper bands very little, who made but small complaint of that part of the treaty of 1858.

In regard to irritations or complaints arising from the official relations of the government with the Indians, witness, apart from some loose and intangible complaints in regard to old treaties, states that their principal cause of dissatisfaction was in regard to the performance of that part of the treaty of 1858 providing for the sale of the ten-mile strip east of the river and the appropriation of the proceeds. The lower Indians contended that the spirit and meaning of that provision was, that sixty thousand dollars of the seventy was to be applied to the payment of those debts (to that amount) as they might specifically, in open council, acknowledge, and the residue to the purchase of goods for them; whereas they contended that a surreptitious consent to the application, not only of the whole \$70,000 to debts, but of some \$26,000 beyond, (and up to the whole avails of the land,) was obtained by the traders from certain chiefs in the winter, while the rest of the tribe were absent hunting, and that the goods furnished, instead of being charged to this fund, were deducted from their regular annuities. The same complaints, but in a modified degree, were urged by the upper bands. Their fund from this source was much larger, and was not understood to be exhausted by this alleged misapplication. The chiefs accused of signing the consent for this wholesale application of this fund persistently, in conversation with the witness, denied that they had signed any other agreement than one for the payment of their debts not to exceed sixty thousand dollars.

Question by the commissioners. Do you believe that those Indians, in making this furious attack upon the lives and settlements of the whites, were influenced by any delusive confidence or belief that this government would be overpowered by the southern rebellion, and that if they reclaimed their ancient possessions up to the banks of the Mississippi they would be able to hold them by the decay or dissolution of the United States government; and if so, what is the ground of your belief?

Witness answers "Yes;" and further answering, says that the Indians were

very much interested in the progress of our civil war, and in the issue of our battles; that they were constantly addressed on that subject, as well by persons calculating and intending to mislead them, and to excite in their minds a distrust of our ability to resist the rebels, as by instructors of an opposite class. The Indians, especially the more distant ones of the upper tribes, would frequently appeal to him to know the truth, manifesting serious apprehension that our government was on the eve of dissolution, and would not be able to keep its engagements with them. This idea, from the conversation of the Indians themselves, witness believes was insidiously spread among them to the extent even of telling them that we would never have any more gold to pay them, and that our "greenbacks" were worthless. The delay of the payment of 1862 tended to aggravate and strengthen this apprehension. The names of persons thus tampering with the Indians and exciting their apprehensions and distrust against the government the Indians themselves have mentioned to witness, and embraced some of the traders and their employés, who were reported by the Indians to have used language to the effect that "the government would soon be cleaned out." As witness learned from Indians after the war, this was a subject of discussion in their council before the raid. Little Crow is said to have expressed doubts of this permanent imbecility of the government, but thought the Indians would be strong enough to reoccupy the country west of the Mississippi; and if the government succeeded against the southern rebellion, it would treat them as it had done Black Hawk, and re-purchase the lands, giving them a country to live in. They have an instinctive hatred of a negro, and were often told, both by the malicious, and by others jocosely, that this was a war for the negro, who was to possess Washington and become master of the country, and thus be a better man than either the white man or the Indian. Witness has expressed this idea in the terms it was conceived by the Indian, the necessary consequence of which was to inflame his passions against our government and the cause in which it was engaged, and, grafted upon his savage nature, was one of the chief proximate causes of the outbreak.

Question by the commissioners. What has been the result upon the social and industrial system of Minnesota, and the extent of individual loss and injury, aggregated, produced by this Indian raid?

Answer. It has depopulated entirely the counties of Jackson, Cottonwood, Murray, west part of Brown, all of Redwood, Renville, Kandiyohi, Montongalia, Chippewa, Pope, Douglas, Ottertail, Andy Johnson, Clay, Pope, Becker, Lincoln, Lac-qui-Parle, Todd, Big Stone, western part of Meeker, northwest part of McLeod, where were mills, &c., and the western part of Watonwan. No population has since returned to those counties, and, with the exception of a small portion of the live stock, and a very insignificant portion of personal effects, all the property of those settlers, including their growing and garnered crops, has been totally lost, and many of their houses, outbuildings, and fences have been burnt or destroyed.

The same desolation and abandonment is predicable of all the southeastern part of Dakota Territory, where were large settlements and mills on Big Sioux river.

The Indian raid caused also the same precipitate abandonment, with nearly the same loss of property, of the counties of Martin and residue of McLeod, the east part of Watonwan, the greater part of Faribault, (the only exception being a few garrisoned at Winnebago and Blue Earth cities,) the western part of Freeborn, the western and southern parts of Blue Earth, (lying between the Sioux and Winnebago reservations,) the western and northern parts of Nicollet, the same portions of Sibley and of Carver, the east part of Meeker, one-half of Wright, the northern and western parts of Stearns, and the residue of Brown.

In the last-named sections settlements were slowly and gradually resumed, but to great disadvantage, during the last winter and summer, but not to one-

half, in the opinion of witness, of their original numbers; and to day the only settlers in portions of them are a few families, under the immediate protection of the garrisons of General Sibley's command; and of those who returned, very few, in consequence of their destitution, have been able to cultivate their land. Many men are there without their families, who are scattered in distant places, subsisting on the generosity of their friends, or on private or public charity.

In addition to this extensive upheaving of society, the alarm spread through contiguous regions, paralyzing industry and arresting the ordinary course of life, and families temporarily fled from almost up to the banks of the Mississippi, at every point above Minneapolis, and everywhere west of a line drawn thence in a southeasterly direction (from five to forty miles west of the Mississippi) down to the Iowa line.

Including those who fell in pitched battles with the Indians, it is the belief of witness, from a very careful research, that seven hundred lives were sacrificed to their savage vengeance, and probably half that number were wounded, some of whom were disabled for life, others lost their health by exposure, and many female prisoners were utterly dispirited, or had their constitutions broken by terror or ill treatment.

Throughout a large portion of the State the settlements have not become composed up to the present time. Through the spring and summer just passed Indians have been skulking in various neighborhoods, and have penetrated far into the settlements, intent mainly on horse stealing, but ready for deadly conflict or private massacre, as occasion might prompt. Their first appearance was in Watonwan county, where they were reported to have collected to the number of from twelve to twenty in April last, and to have massacred some soldiers and citizens. This is known as the Medalia massacre. Through the summer, hostile Sioux, singly, or in numbers of two or three, were seen in various places, of which witness remembers Wright county, in more places than one, where they stole several horses and murdered several citizens, among them the Dustin family; in the southern part of Stearns, near the village of Fairhaven, through which they rode in the night, arousing the people; in Brown county, within two and a half miles of New Ulm, where they killed a ploughman and stole his team; twice in McLeod county, near Hutchinson, where they killed people and stole horses; in Meeker county, killing a man, and in Le Sueur county, where they were detected with stolen horses, and two of them pursued and killed, the whole community being aroused in their pursuit through the "big woods."

The knowledge that these Indians were prowling about kept citizens and scouts all on the alert, meeting craft with craft, and watching for their hiding places. One of these citizens, a Mr. Lamson, on the 3d day of July, seeing two Indians picking berries in the bushes, killed one of them, (believed to be Little Crow,) with his rifle. The other, the son of Little Crow, escaped; and almost on the trail of General Sibley's returning expedition, and a very short distance (said to be within one mile) of where the army was encamped, a farmer discovered Indians in the night at his stable. Driving them from this stable he pursued them to his son-in-law's house, arousing whom and another man, these two went to alarm the soldiers. In their absence, the first pursuer, whose name was Hoffman, was killed by the Indians, and the horses of his relative stolen and carried off. This was near Sauk Centre, in September, 1863.

No. 3.

Extracts from a deposition of Rev. Stephen R. Riggs, missionary of the American board among the Dakota or Sioux Indians, at and for many years before the Indian outbreak, and who accompanied General Sibley, as chaplain, in each of his expeditions of 1862 and 1863.

" * * * * * In answer to questions put by the honorable com-

missioners, Messrs White, Aldrich, and Chase, the deponent saith, that the Sioux outbreak, which commenced at the lower Sioux agency on the 18th day of August, 1862, is not to be attributed *to any one cause alone, but to a number and variety of causes combined.*

1st. The Dakotas, both of the upper and lower agencies, have for years been complaining of the manner in which their treaties of 1851 have been carried out by the government. They have complained that the money appropriated by the treaties for the payment of their debts to the traders *should have been received by them and disposed of in open council.* They have complained that at various times they failed to receive the full amount of their annuities; that traders and others who had claims against them have presented these claims at Washington, and without their knowledge or consent obtained their money, and this unjustly. For example, the money annuity of the upper bands, when paid to them in 1861, was only thirty-six instead of forty-five thousand dollars. Nine thousand had been allowed and paid to various claimants at Washington. Of this amount, five thousand five hundred dollars went to Blake & Carruthers, who had, while maintaining a post at Big Stone lake, lost something by having their store entered at night. The Indians claimed that the theft was committed by two persons going in only at a single time, and that a portion of what they carried away was groceries, such as sugar, and consequently that two or three hundred dollars, at most, would have covered the whole loss. They regarded the whole transaction as a fraud, and sent on their most earnest protest and prayer to their Great Father that he would suffer no more such frauds to be committed on their annuity.

The treaties made at Washington in 1858 were very distasteful to very many, both of the upper and lower Sioux. The proceeds of the sale of that part of their reservation lying on the northeast side of the Minnesota river, so far as it concerned Med-a-wah-kan-toans, were all absorbed by their debts. This result was very displeasing to them. But what caused the greatest general dissatisfaction was the reports which were current among them during the spring of 1862 that they would receive but half the usual annuity money that year, and by another year the whole would be suppressed or changed. These reports were made to the Indians by men who were politically opposed to the administration. But there seems to have been too much truth in them. In the autumn previous ten thousand dollars' worth of goods had been sent to each of the agencies for distribution. This was after the regular annuity had been received. The Indians asked what fund this was taken from. Their agent could not tell. He could only say that their Great Father had sent these goods to them. This was not satisfactory. The lower Indians refused to receive them. It was generally understood afterwards that these goods were purchased with a portion of their money annuity for 1862. If the department could do this once they could do it twice; and if they could do it for ten thousand dollars, they could do it for the whole of their annuity. So reasoned the Dakotas. It is not to be concealed that these things had greatly chafed the minds of the Indians, and made them feel ugly towards our government. This prepared them to be acted upon by other considerations. It prepared inflammable material for the ignited match.

2d. The relations and intercourse of these Indians with the white settlers on the frontier had up to this time generally been of a peaceful character. True, a little difficulty had occurred in one part by the encroachment of white settlers on their reservation. It is true, also, that the Indians continued to hunt more or less on lands within the lines of the white settlements, which white men, trappers, and others, complained of. It is true, also, that occasional personal difficulties occurred between white men and Indians, especially when they visited the places where fire-water was kept. And it is a fact worthy of notice and remembrance that the houses burnt by the Indians between Fort Ridgely

and St. Peter were almost all of them public houses, or places where liquors of some kind had been kept. Nevertheless it is not believed that any or all personal difficulties of Indians with settlers were the chief or principal cause of the outbreak.

3d. The entire failure of our government to punish properly the perpetrators of the Spirit Lake massacres of 1857 doubtless produced in the minds of many Dakotas a contempt for white people and a conviction of their own superiority. If Inkpadutah had been properly punished, Little Six and Little Crow would have been too wise to have made the attempt.

4th. Upon wild and warlike men, such as the Dakotas, the existence of war in the south would naturally have an exciting influence. Having suffered many wrongs, as they thought, from our government, they were not all of them particularly anxious that their Great Father should succeed in putting down this rebellion. The fact that a great many men had already gone from the Minnesota country to the war, and that a large number more were called for, would naturally lead them to suppose that the cause was rather a desperate one; that the President was badly off for men, and that very possibly he might be overcome at last. This impression was greatly increased by the enlistment of employes and others about the agencies. They supposed that the whole valley of the Minnesota was now destitute of men, and that only old men and women and children remained, and that now, if ever, was the time for them to strike and repossess themselves of the hunting grounds of their fathers. And this was a righteous object, since the government of the United States had failed in regard to many of the treaty stipulations.

The question is asked whether they were not incited to this outbreak by emissaries from the south, or whether influences to this were not exerted upon them by northern men of southern principles. Without attempting to answer these questions directly, deponent is of opinion that men of the opposite political faith were not careful in their conversation with Indians to uphold the government; on the contrary, whenever disaster happened to our arms, the Indians were sure to be informed of the fact with some exaggerations; and doubtless, without any intention to produce rebellion, the confidence which many of them still retained in the administration was tampered with. This was a political sin, which, in the present case, helped to produce very bitter results.

5th. In connexion with the story that they would receive but half a payment, and the impression they had been receiving in various ways that their Great Father was in great straits for funds as well as men, the delay in bringing on the payment money gave an appearance of truth to all their conjectures. The President was bankrupt, and could not send on the money.

6th. The civilization plans and arrangements of our government which had been initiated, and were advancing hopefully, had all along met with much opposition. These were the embodiment of principles diametrically opposed to the customs and religion of their fathers. The Dakota gods were in the opposition, and those who adopted these new habits and customs did it with much fear and trembling. It was the remark of a white man, who did both, that White Dog trembled more when he cut his hair than when he put the cap over his face preparatory to being hung. Those who were the leaders of the outbreak were the most determined opposers of civilization. Some of those who belonged to the civilized bands joined in the rebellion and worked with a will; more of them acted only in self-defence, as they supposed, while many opposed the rebellion from the beginning. The outbreak was against the civilized Indians as truly as against the white people.

Deponent is of opinion that these facts and circumstances were the kindling, made ready for the application of the match.

An institution of long standing among the Dakotas is the "Soldiers' Lodge." This is their form of *armed government*. Its legitimate object is the protection

of the buffalo hunt; but when formed of late, its design has been to paralyze the power of their chiefs, or to throw obstacles in the way of some arrangements of our government. In the early part of the summer of 1862, a Soldiers' Lodge of *one hundred and fifty men* was formed at the lower Sioux agency, where their wrongs and the manner of redress were doubtless discussed; and if this outbreak did not have its inception in this Soldiers' Lodge, it found there a prepared and powerful ally.

THE OCCASION OF THE OUTBREAK.

Four Indians from the Shakopee band were over in the neighborhood of Acton, in Meeker county. One of them had, some time before, bargained with a white man there, (probably Mr. Jones,) for a wagon, as some say, and, according to others, for a horn. He was to bring the money over after the payment and receive the property. But the payment did not come off; and now the Indian wanted the property on trust. The white man would not give it to him. Angry words ensued. Two of the Indians were for shooting the white man; the other two opposed it. Some little time elapsed before the shooting party prevailed; but finally it did, and the first blood was shed on Sabbath, the 17th day of August. That night they were at home. Their hands were now bloody, and Little Six's band indorsed this work, and went immediately to Little Crow, who also fell in with the plan with a part of his band. Monday morning at about six o'clock the massacres commenced at the stores of the lower agency. From the best information collected from all sources, and forming as candid a judgment of the case as possible, deponent is of the opinion that the murders committed at Acton *were not premeditated*, and that previous to that no plan of the massacres that followed had been adopted. It seems quite certain, at least, that the outbreak took a large portion of the annuity Indians by surprise.

From the beginning the uprising assumed fearful proportions, and the raids upon the settlements caused a terrible panic from the borders to the centre of the State. A week after the 18th, deponent, with his family and others, reached the town of Henderson, and found the whole frontier deserted of its inhabitants, and cattle in the cornfields destroying the crops. It appeared, too, that not only had the devil taken possession of the Indians, but of almost everybody else. Multitudes of white men and women turned plunderers; the barriers which had stood for the protection of rights and property were at once broken down, and every man's hand seemed to be against his neighbor. As the people fled from one town, the inhabitants of town or country beyond, fleeing also, came in and plundered the houses; and when the panic had somewhat subsided, there were harpies who passed around through the depopulated districts and gathered up wagon loads of property, such as the Indians had left untouched. Many tools and implements of husbandry disappeared in this way.

In all the frontier towns there was a good deal of *real* and more of *imaginary danger*. There is no doubt that the hostile Indians contemplated carrying their raids into all parts of the valley of the Minnesota, and made their boasts that they would take St. Paul. Their forces were organized, and on their way down to wipe out Mankato and St. Peter, and all the valley settlements, when they met our forces and fought the battle of Birch Coolie. Although victorious there, they began to realize that the forces of General Sibley were larger than they expected. The battle of Birch Coolie, disastrous as it was to our soldiery, saved our settlements.

REPORT OF THE SIOUX COMMISSION, 1863.

OFFICE OF THE SIOUX COMMISSIONERS,

Minneapolis, Minnesota, November 30, 1863.

SIR: The undersigned commissioners, appointed in pursuance of the act of Congress entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, having performed the duties assigned them by said act, and by the act of March 3, 1863, supplementary thereto, submit the following report:

Owing to the lateness of our appointment, and the requirement of the act for the publication of rules at least two weeks prior to our first meeting, the commissioners were unable to assemble at St. Peter on the precise day named in the act for their first session, being the first day of April last, but having made the required publication of rules (a copy of which is appended to this report) we assembled at St. Peter on an early day in the said month of April.

To give time for the proper circulation of our rules and instructions, and to enable claimants to make a uniform presentation of their complaints, after a few days' conference we adjourned our session until the 27th day of April, at which time we re-assembled at St. Peter, and fully organized the board by the appointment of the undersigned Albert S. White as our presiding officer. Owen M. Laraway, of Minneapolis, was appointed secretary to the commission. From the last-named date the sessions of the board have been uninterrupted and continuous up to the present time, adjourning only from day to day. Our sessions have been held as required by law at points most convenient to the claimants, to wit, at St. Peter, New Ulm, Mankato, Henderson, St. Paul, St. Cloud, Forest City, and Minneapolis. The duties devolving upon the commission have demanded an unusual amount of labor, and have taxed our assiduity to the utmost. To finish our investigations within the period limited by law, and to accommodate ourselves to the circumstances of its beneficiaries, many of whom, bereft of all their earthly means, were compelled to come from their distant frontier homes, or from temporary places of refuge, at an expense, for themselves and their witnesses, they could but ill support, we have not only held daily, but nightly sessions. Almoners of a generous government, and regardless of our personal convenience, we have offered every facility in our power for the ready procurement of the aid which Congress intended for these unfortunates.

Claims against government are so easily fabricated on *ex parte* affidavits, that the commissioners believe that, by ruling a virtual exclusion of this kind of testimony, they were but complying with the spirit of the 3d section of the act which gave them power "to compel the attendance of witnesses, and to administer the proper oaths to them to testify the truth." All judicial experience proves that there is no more ambiguous index of the truth than the general attestation of an *ex parte* affiant to the fairness of a mixed account, of only a small part of which, from necessity, he can have personal or correct knowledge.

Our findings, therefore, have been based upon a system of proof almost as exact and technical as would be required by a judge between parties litigant. And the subjects of this proof were not only the losses actually sustained, but the merits of the claim were further tested by requiring the party to show what diligence he had employed to avoid such loss, and whether, according to the interpretation of the act given in your letter of the 2d of April, the damages were "the natural and proximate consequence of the wrongful act which is the subject-matter of inquiry." Rewards have only been made for the actual loss of property, and no future or resultant damages have been taken into the account.

By the laws of Minnesota and of many of the States, the wife is made a com-

petent witness for the husband. We have, therefore, admitted such testimony when offered, and even demanded its production when the case required it, she being the party most conversant with household effects. This testimony, as well as that of the husband, or party complainant, has been carefully weighed, and in cases where the claim has been allowed has generally been supported by proof *aliunde*.

The act under which we were appointed requires that "the testimony of the witnesses and the examination of the complainant shall be reduced to writing, signed and certified by them respectively, and shall, with the petition and all the papers relating to each case, with the finding of the commission, be transmitted to the Secretary of the Interior for his approval, rejection, or modification, to be by him laid before the next Congress." As our awards are, therefore, (as to all but the "present relief" paid out of the existing appropriation,) to be submitted to a supervisory tribunal, we believed that we were not permitted to abbreviate the testimony, or to report abstracts or conclusions, but to make a record and presentation of the whole evidence. It was very soon discovered that it would be impossible, within the limits of time assigned us, to conduct our examinations upon this principle, before the full board at a single desk, or even by the separate labors of the commissioners singly engaged in taking and recording the testimony. We, therefore, called into requisition the additional aid of several gentlemen employed to assist us in this labor, and to accompany us wherever our sessions were held. These examinations, on the part of our assistants, were conducted in pursuance of our instructions, and commonly in our presence; and we were ourselves brought in contact with the parties and witnesses, who appeared before them. Still, it was necessary they should be men of judgment and experience, conversant with legal principles, and capable of giving proper expression to written testimony. Of these, Messrs. E. P. Freeman and Thomas Russell have been employed during the greater part of our sessions, and Messrs. Burritt, Stone, Porter, Gardner, and Murray for shorter periods.

The entire testimony forms a volume of nearly twenty thousand manuscript pages of legal cap.

The employment of an executive officer to serve process in behalf of the United States was authorized by the act. Having to communicate with such crowds of people, and to migrate so frequently with large masses of books and papers exposed to loss or accident, we have found the constant retention of such an officer, since our organization, necessary. Counter evidence has in several instances been taken, and witnesses on the part of the United States have been summoned from a distance. In addition to these defined duties, this gentleman, by his outside position, has been able to give us valuable information, and suggest useful testimony to counteract or check any attempt at fraud. Our appointee (under the title of marshal) was Mr. Alfred G. Groff, of Minneapolis.

On approaching the field of our labors, and surveying the wide-spread evils occasioned by the terrible Indian outbreak of 1862, it became an important inquiry with us, who were the proper beneficiaries of the act, and for what class of damages and to what extent the legislature intended to make reparation. Throughout one-half of the populated territory of Minnesota society had been upturned, the harvests were ungathered, domiciles abandoned and plundered; and far beyond these limits, and within the older settlements, the shadow of the savage was cast, creating alarm and portending danger; and families left their homes and their affairs, suffering great pecuniary damage. The Sioux, numbering six thousand souls, fifteen hundred of whom were trained warriors, with the best of fire-arms, and knives whetted for slaughter, flanked the western settlements, while twenty-five hundred Winnebagoes were planted almost in the heart of the southern population, and five thousand brave Chippewas, rankling with discontent and ill blood, threatened the northeastern portion of the State. The universality and suddenness of the Sioux outbreak might well startle, as

it did, the inhabitants residing near these other tribes, from their security. But however just the alarm, or injurious its results, it was evidently not within the contemplation of the act to correct this social evil in its whole extent. In giving interpretation to the law, we obeyed what we supposed to be the true meaning of the legislature, by confining our awards to those cases where the losses flowed from the direct agency or manuecaption of the Indian, or "troops of the United States," or where, the danger being overwhelming and imminent, the settler was obliged suddenly to abandon his home and property to the destruction of the elements, or to the ravages of an unknown freebooter, either civilized or savage, and where, without a wanton exposure of life, no diligence could have prevented the loss. As the boundary between these and the rejected class of cases must necessarily be indefinite, or determined by judgments that might conflict, we have subjected the cases of lesser hardship to a more limited measure of compensation in proportion to actual losses, and to a high standard of proof in regard to diligence, in preference to classifying the damages into "direct" and "contingent," as was our first intention. In many neighborhoods crops and property were partially saved by armed clubs, formed by the settlers, leaving their families behind, forting at night and working by day, in a body, with sentinels outposted alternately upon their several farms. Where this process was practicable, but was improperly neglected, we have refused to entertain the claim.

We were aware that when the law for this relief was passed many of the sister States of Minnesota were devastated by a civil war, waged on the part of the insurgents with scarcely less ferocity, and with almost the same disregard of the humane rules of modern warfare, as marked the atrocious outbreak of the fiendish Sioux, although its flames did not burst forth with the same terrible suddenness; and that Congress in withholding from those States, for the present, the reparation that civilized governments usually make to their citizens at the termination of a war, and in extending this relief to the section ravaged by the Indian hostilities, had good reason for this exceptional legislation—exceptional not only in its locality, but in the character of the injury for which compensation was provided, the rule being that government furnishes the citizen no guaranty against the ravages of a public enemy, or the chances of war, unless the loss was occasioned or invited by the act of the paternal government. The reason for this exception was readily found in the existing treaties regulating our intercourse with the Indian tribes. The policy of the government has uniformly been to furnish such protection to our pioneers against their savage neighbors as should promote the rapid settlement of our frontier States and Territories. Aware that the savage had no conscience to restrain him from acts of depredation, that the only public law he recognized was the law of rapacity and plunder, and that he could not be made amenable to the terrors of the penal law, or the judgments of the civil, our treaties with them have provided that for all such depredations, whether public or private, reparation should be made out of their annuities. This was the strongest and the only bond by which their peaceful bearing could be secured, and in ordinary times would be more potential than a thousand bayonets. Without this security the settler would scarcely trust himself within the range of savage treachery or midnight rapine; but under the influence of treaty obligations which thus bound the wily Indian to his fealty by motives of policy, civilization and all its arts have extended without a parallel over our vast tramontane region; and it is due to the hardy pioneer that he should have the full benefit of this provision, and be compensated for his losses since it occasions no expense to our treasury.

But in the present instance full indemnity has not been made to the sufferers. By the then existing treaty with the Sioux, (that of 1858,) they "pledge and bind themselves to preserve friendly relations with the citizens of the United States, and to commit no injuries or depredations on their *persons* or property,

nor on those of the members of any other tribe; but in case of any such injury or depredation, full compensation shall, as far as practicable, be made therefor out of their moneys in the hands of the United States." It is estimated that the lives of seven hundred of our citizens were sacrificed to their vengeance during the late raid, and that half as many more were wounded, inflicting on many a painful disability for life, while numbers of helpless females were dragged into captivity and subjected to the most brutal treatment, the effect of which on many sensitive natures has been to crush their spirits and in some instances to wreck their constitutions. For all these personal injuries the act of 1863 has provided no reparation, and accordingly they formed no part of our estimates in the making up of our awards. If measured by the ordinary standard of common law damages in our courts, the sum would nearly double the whole amount of our findings for property damages.

The capital trust fund of the annuity Sioux of Minnesota, in the hands of the United States, is considerably over three millions of dollars, which, by the treaty, however, is made redeemable by the payment of an annuity for fifty years, running from the first day of July, 1851. This annuity, in round numbers, is one hundred and fifty thousand dollars.

Although the character of the duty assigned us called for detailed inquiry, its performance has necessarily unfolded to us the length and breadth of the public and social evil inflicted by the raid upon our northwestern system in the curtailment of production, the scattering of population, the diminution of industry, and the birth of a sentiment of distrust and insecurity that will, unless removed, prevent the early or rapid resumption of settlements in the neighborhood of the Indian tribes. This is the more to be regretted *now* when it is so essential, for national safety, to strengthen our outposts. The savage has done, in a single hour, more to defeat the growth of western population than the aristocratic influence has been able to accomplish in thirty years, with all the power and patronage of government in its hands. The wisdom of our true representatives will be taxed to devise a speedy and effective remedy against these untoward influences. If our experience enabled us to offer any advice in that direction, it does not fall within the scope of our commission to do so.

But it is not deemed inappropriate to refer to general facts and to great results affecting whole communities. The raid of 1862 has produced in the State of Minnesota the complete depopulation of nineteen counties, and of parts of four others, and not a family has hitherto returned to any portion of this territory. And, in addition to the above, an entire though temporary abandonment of four other counties, and parts of ten besides. The outbreak occurred in the height of a harvest of unusual abundance and luxuriance. Fields were abandoned to desolation; and household goods, farming utensils, and live stock were left a prey to conflagration, spoliation, or rapine. Many houses, barns, fences, hay and grain stacks, and implements of husbandry, were burned by the Indians, and many have since been consumed by prairie fires. And where they could not drive away cattle and hogs, they often, in their wantonness, shot them. Wells were filled up; shrubbery and every rural adornment was destroyed, and savage vengeance, as far as it was able, wreaked itself upon all the garnered fruits of civilization. What was left suffered a general displacement—cattle went astray, and the freebooter and the army completed what the impotence of the savage had spared.

The town of New Ulm, on the south bank of the Minnesota river, and fifteen miles below the lower agency, was the nearest village to the Sioux reservation. It was a German settlement; contained a population of some fifteen hundred souls, and was rapidly increasing in wealth and prosperity. It contained two large steam flouring and saw mills, to which were attached lathes, shingle machines, &c., two breweries, a large distillery, a wind-mill, a printing office, five or six stores, and a full variety of mechanical and manufacturing establish-

ments. Teutonic pride had clustered around this town, and many of its inhabitants were educated people. The settlements around New Ulm were attacked with an unwonted ferocity, almost at the same hour the massacre began at the lower agency. The town itself, crowded to excess with helpless refugees from the country, was in a state of siege for seven days, and was twice vigorously attacked. The Indians burned up nearly one-half of the town, and Colonel Flandreau, who commanded its improvised and feeble garrison, was obliged to consume "about forty valuable buildings" besides, as he states officially. On the evacuation of the town, on the morning of the 25th of August, very few of the personal effects of the inhabitants that had escaped destruction from the crowd during the week preceding could be removed, as all the available transportation was required for the wounded and the weak, and the commanding officer, expecting an ambuscade, was unwilling to encumber his trains, composed as they were of multitudes of women and children.

It is not known or proved that the Indians entered New Ulm after Colonel Flandreau's evacuation, but many of the settlers were not in a condition to return for the protection of their property, which, without a military escort, they could not for several weeks safely have done, while many who would have returned were retained in the military service. We have been thus particular in regard to this locality because it was the theatre of the greatest loss.

Some of the depopulated counties were but sparsely settled, but population was flowing in rapidly. The new county of Renville, for instance, opposite the agencies, had, in 1861, given one hundred and twelve votes. The adjoining county of Randiyohi had, perhaps, some two hundred and fifty inhabitants, and Monongalia, north of the last named county, had given sixty-three votes. The valley of the Sauk, and the country of the Ottertail lakes, lying on the route of travel and transportation from St. Cloud to the Red River of the North, was the theatre of an active immigration; and along the Iowa border the wave of population was rapidly spreading west of the Blue Earth river. The little isolated colony of Lake Shetek was among the early victims of the massacre.

From Sioux Falls City and the settlements of Clay county, in Dakota, all along and through the counties above named, and coterminous territory, the outbreak spread, stopping only with the limits of population, thirty miles north of Abercrombie, on Red river, along a frontier some two hundred and fifty miles in length, and covering an area that would average more than one hundred miles in breadth, simultaneously, at many points distant from each other, and with only a sufficient interval at the others for the talismanic watchword to spread. The Indians appeared in force at those points where there was a concentration of wealth, or which the settlers might make rallying points for resistance, such as New Ulm, Fort Ridgely, the Two Agencies, Hutchinson, Forest City, Painesville, and Fort Abercrombie, while smaller squads scoured the country and waylaid the path of the retreating settler.

A glance at the map will show that the Indians appeared thus in force at points widely remote from each other, some of the above named towns being within thirty miles of the Mississippi river. The closing battle of Wood Lake occurred on the 23d of September, and the next day Little Crow and his party fled to the plains. Nearly up to this period massacres continued to be perpetrated in the settlements east of the principal military theatre, and the attack on some of the above named towns was as late as the middle of September.

The country we have described is an open prairie region, skirted on a small portion of its eastern margin by the "Big Woods," but elsewhere having just brush and timber enough along the streams and on the margins of the lakes to form an ambuscade for the Indian, without that depth of forest which would have gained concealment, and a chance to escape for the settler. The first act of the enemy was to possess himself of the horses of the whites, and thus, well mounted and well armed, it was almost impossible to elude his vigilance or

his pursuit. The narratives that will be found in our recorded testimony (although incidentally introduced, as it was not our mission to collect materials for history) will illustrate some of the most thrilling adventures and hair-breadth escapes that have ever marked the annals of border life. Starvation, fatigue, and the pelting elements, borne for successive days by the affrighted refugees, some of them wounded, some tender females bearing the burden of their helpless offspring, the wet prairie-grass their pillow at night, and their only covering the frail and scanty summer work-dress in which they fled, horror in the rear, and lurking danger in every forward step they took. One mother in the county of Renville lay hid in the brush with her two infant children, (one of whom perished at her side in the fifth week,) for nine successive weeks, her only food a few raw potatoes and grape-leaves, and her only covering some tattered rags. Another woman, in her frenzy, concealed herself for almost an equal length of time, and with a like destitution of shelter or sustenance, only a few miles from New Ulm. A boy, twelve years old, traversed the desolate prairie without a guide for six or seven days, making a journey of sixty miles, and carrying his little brother on his back. Two women held at bay a dozen Indians who had beleaguered the cabin in which they were, after the only two male defenders of the house had been prostrated and disabled by dangerous wounds. A lady, (Mrs. Scott,) sixty-five years of age, whose son was shot dead at her door-sill, and whose juvenile grandson was carried into captivity, herself the last of the family, and escaping death by feigning it, literally *crawled* with three buckshot wounds in her breast, fifteen miles, to Breckenridge, on Red river, there to find nothing but three dead bodies. Hiding herself in the saw-mill, she was fortunately discovered next day by a party from Fort Ambererombie, and survives to present her claim before this commission.

These are but examples, among a hundred others, of the extreme sufferings and perils of the borderers, worthy to be recorded, as they illustrate heroism and a patient endurance in the highest forms in which they can be exhibited.

Civilized warfare is horrid enough while it rages, but its wounds are soon cicatrized on the return of peace. The brave who fall are heroes; and the mother surrenders her son who has fallen on the field of honor, because he has lived long enough for life and for glory, and because his country demanded the sacrifice. It is not so with the spectators and survivors of savage warfare. The memory of the massacre is a horrid dream, and an inconsolable anguish follows the loss of friends who have perished by slow torture or the bloody hand of murder, and whose mangled remains have been given to carrion birds.

It is useless to speculate on the causes of this unparalleled savage insurrection. Nature is said to have certain antagonisms, which, operating against each other, are continually producing new forms and new phases in the world of matter. It is so with society, where heterogeneous elements can never be blended without a struggle of atoms that is sure to produce convulsion or change. The experience of the last few years has proved that the presence of inferior in the midst of higher races is hostile to the progress and to the peace of society, and akin to the remnants of the feudal system, out of whose ruins and decay the civilization of modern Europe has sprung. Slavery cannot consort with republican freedom, nor can races of different origin and color long cohabit with each other. There will of necessity be ranks and conditions in society; but condition is nothing where it is voluntary, and where the laws interpose no barrier to the advancement of the humblest in honors, dignity, wealth, or power. If those convulsions have not already been produced by our four millions of slaves, it is due only to the law of terror, and to the deep humiliation in which they have been kept. The same results *have* been realized by the demoralizing influence the system has had upon their masters; and the snake which could not kill by its slime, has strangled by its coil.

The unfettered savage is equally our enemy; but, unlike the slave, he is made

so by self-imposed constraint keeping him back from the warmth and the sunlight of civilization. The law-giver of antiquity who could "polish the manners of the savage and subdue his fierceness," was a myth of the poet. And when our laws, like those of Minnesota, have tendered to the red man the privileges of society and the functions and emoluments of government, he has scornfully rejected them. Ages of traditionary lore have taught him that we are usurpers on the domains of his fathers. We come to him with the ensigns of superiority and of patronage. He receives the food we offer, but hates the hand that gives it. Pride that is not born in palaces rules his nature; and, unused to the restraints of government, he recognizes no superior but the Great Spirit who made him. How vain and futile the attempt to civilize the Indian has proved, while he has been permitted to adhere to his ancient customs, to live in segregation from our masses, a pensioner on our bounty, and without those *stimuli* that quicken society and infuse life into its members, the unrewarded efforts of our government agents, and of devoted missionaries and teachers for more than half a century, have abundantly proved.

And in the jealous mind of the savage there will always spring, from our intercourse, local and ephemeral causes of irritation. In the case of the Sioux they first complained that they had been overreached in the treaty by which they surrendered the half of their reserve lying on the north side of the Minnesota river; and next, that they had been defrauded by an improper application of the proceeds of that sale. The government of the Sioux is represented by their agent to be a pure democracy. The chiefs are elective, and have no real power further than to execute the behests of the self-constituted councils of their young men and warriors. By the third article of the treaty of 1858, it is provided that, out of the proceeds of said northern (or northeastern) half of their reservation, the chiefs and headmen of the Medawakanton and Wahpakoota bands may in their discretion, in open council, authorize the application of such sum as may be necessary and proper, not exceeding \$70,000, to satisfy their just debts and obligations, and to provide goods to be taken by said chiefs and headmen to the said bands upon their return; and a like stipulation and for a like amount was inserted in the treaty with the Sisseton and Wahpaton bands. Although these treaties were ratified on the 31st of March, 1859, the Senate did not exercise the discretion vested in it by the 2d section, of fixing the price to be paid for the one-half of their reservation so surrendered, until the 27th of June, 1860. At a certain time in the subsequent fall or winter, it was claimed that the chiefs and headmen of the lower bands had, in open council, directed the application of \$70,000 to the purposes indicated in the 3d section of the treaty, and the debts therein provided for were understood to have been paid by direction of the Interior Department. But the Indians, whether rightfully or wrongfully, claimed that a larger sum was appropriated to those debts than the treaty provided, or their council authorized; that the delivery of the \$10,000 of goods did not accompany that payment, and that when the goods were sent on in the year 1861 they were charged to their annuities, and not to the land fund, which they claimed had all been wrongfully exhausted in the payment of said debts. Similar complaints were made by the upper bands, but not with the same acerbity, their ceded territory being larger and yielding a much larger fund, which was not exhausted by their debts.

Following upon these causes, whether feigned or real, of complaint, the crop of 1861 was a failure, and the ensuing winter one of intense severity. The tribes could not go out to their accustomed hunts. Famine stared them in the face, and some of their children perished from this cause. They hung in great crowds around the trading posts and the agencies, subsisting largely upon charity, and the generosity of the traders. The agent prudently distributed to them from the government stores such supplies as were necessary to appease their hunger and quiet their complaints. As the season for the annual payment of

1862 approached, there were constant intimations, against every official assurance, that the payment was to be suspended or curtailed; the government was represented to be bankrupt, and almost prostrate at the feet of the southern rebellion; and thus, influenced by rage and beguiled by delusion, they were precipitated into the murderous outbreak of the 18th of August.

It is no part of our duty to inquire who were the parties that fed this deadly hate, by insidious arts and falsehood, and by libelling the government which was the only safeguard alike of themselves and of the Indian. We wonder at such madness and such rage, but much more when we find it in the "celestial bosoms" of our more civilized and still peaceful communities. But it was necessary to fix the blame where it belongs, in order to exonerate the rural population of Minnesota, who, by the uninquiring, have been suspected of inviting this aggression by constant encroachments on the privileges and territory of the Indians. Nothing can be more untrue. We have made careful inquiry as to the relations subsisting between the Indians and the surrounding population of whites, and found it to be of the most friendly and confiding character, on the part of the latter, consistently with the wild and treacherous nature of the Indian. The German population of Brown county, who lived nearest the reserve, and of course were most exposed to the importunities, thefts, and annoyances of the Indian, were compelled to practice a certain reserve to prevent insolence and presumption, but we have not heard of a single instance of cruelty or fraud on the part of the settlers. The suffering or the sick Indian found near the premises of the settler met with a ready hospitality. It is true, when any article of value was sold to an Indian on credit, a pledge of some equivalent article was required; but this the Indian expected, and we have heard of no breach of faith or overreaching contract in this regard. The whites forbore to hunt or trap upon the Indian grounds, and committed no waste upon his forests, but, on the contrary, patiently submitted to Indian encampments, and hunting and trapping parties in their own neighborhood, and far from the reservation of the tribes. And this forbearance will be appreciated when it is recollected that the furs and the game constitute the most valuable resources of the early settler, and that the practiced Indian can always bear this prize from the competition of the white man. Violations of the trade and intercourse laws by the introduction of spirituous liquors, or other contraband articles, among the Indians, were of rare occurrence. Upon this subject we append to this report the testimony of Major Galbraith, agent of the United States for the Sioux.

Some few pre-emptors prior to the treaty of 1858 had settled on the south side of the Minnesota river, on lands which an accurate survey afterwards proved to fall within the Indian reservation at its extreme southern end, the common acceptance at the time of settlement being that those lands were outside of the reserve; but provision was made for those cases in the treaty, and they led to no serious misunderstanding with the Indians, as is proved by the testimony of the said agent.

On full inquiry, therefore, we are of opinion that the people of Minnesota and of Dakota have done nothing to forfeit their claim to that equitable remuneration for their losses which was guaranteed to them by the treaty, and to which the faith of the government is virtually pledged by the act abrogating the treaty and creating this commission.

The whole number of claims that has been presented before our commission is twenty-nine hundred and forty, (2,940,) and the whole amount of damages claimed is two million four hundred and fifty-eight thousand seven hundred and ninety-five dollars and sixteen cents, (\$2,458,795 16.) This is the amount claimed as it appears on our register, but is subject to a slight augmentation by additions made to many schedules, on motion, at the time of the hearing. Of the above claims two thousand four hundred and sixty (2,460) were filed on or

before the first day of June last, and were entitled to be considered for a share of the present appropriation of two hundred thousand dollars.

We have examined and audited two thousand eight hundred and eighteen claims, and made awards thereon, which from time to time, with the complaints and proofs in each, have been transmitted to you by mail. Of the cases so audited, one hundred and eighty-three have been rejected, and in two thousand six hundred and thirty-five damages have been allowed. No testimony has been offered in seventy-six cases, and forty-six complaints, after being filed and registered, have been withdrawn by the parties or their attorneys. The petitions remaining on our files, in which there has been no proof or award, are herewith transmitted to you for such disposition as your department or Congress may think proper to make of them.

It is proper to say, that of the cases rejected some were thus adjudicated for want of sufficient evidence, and some because, in our opinion, they did not fall within the class for which the act contemplated relief. As to a few of the former class, it has been represented that in the pressure of our business the facts were misapprehended by us, and the decision was consequently erroneous; in others, that there was a hasty submission on insufficient testimony, owing to unavoidable embarrassments, which defect the parties can now supply. Some of this evidence, received since our awards were made, we herewith transmit to you.

In regard also to some of the complaints returned to you unaccompanied by evidence and without any award, some of the parties represent that it has been out of their power to produce the necessary proof within the time required, but that they hope soon to be able to do so.

The whole matter in regard to the classes of cases last named is referred to your supervisory jurisdiction for such disposition as may be authorized by law, and as the merits of the respective cases may require. It is our duty to explain that some of the parties are and have been in distant military service; others have fled for sanctuary to States remote from the place of our investigations, and their witnesses are also scattered to distant points, while a few, more helpless, were not seasonably aware of the necessity of producing proof cumulative to the *ex parte* affidavits which accompanied the complaints. Due weight will doubtless be given by you to the peculiar and untoward condition in which many of the intended beneficiaries of the act have been found.

The aggregate amount of damages assessed by us is one million three hundred and seventy thousand three hundred and seventy-four dollars, (\$1,370,374.) A few claims have been presented by corporations, both public and private. Uncertain of the true construction of the law in this respect, we have heard the evidence and assessed the damages, referring the legality of the claim to your department or to Congress. Some of our awards are special, where the claim is presented by an administrator, and no proof appears that any heirs remain who are citizens of the United States.

The State of Minnesota during the last winter appointed a board of commissioners to audit and pay all demands against the State on account of all services rendered, or property sold, taken, or appropriated for military purposes, or for supplies, transportation, subsistence, materials, munitions of war, or any other matters furnished to or taken by the State, or those claiming to act for the State, or for the protection of the frontier or other settlements against said Indian depredations, or the prosecution of the Indian war; or for arms, subsistence, horses, transportation, or other property, or service theretofore furnished for any of the purposes aforesaid. The board was by law restricted from auditing any account other than those accruing purely under the said several classes of *war expenditures* above enumerated. This fund was furnished in one of the appropriation bills passed by the last Congress for the military service of the government.

In the execution of their trust the State auditors allowed no claim arising after the 15th day of September, 1862, when the military recruits of Minnesota were turned over to the command of General Pope; and no claim was allowed sounding in damages merely, or unsustained by such proof as is necessary to settle army accounts. To guard against duplicate allowances, or the fraudulent presentation of claims that had been once audited, we obtained a full list of these awards, (partly incomplete as to amounts, but complete as to names,) which we herewith return to you, with the papers of our commission.

The act constituting our commission directs us to entertain and hear the complaints of all and every person aggrieved by the depredations of said (Sioux) Indians, *and by the troops of the United States* in said war. The suddenness of the outbreak occasioned the raising of improvised forces even before any order could be obtained from State or federal authority; and had not those troops speedily come to the rescue, the march of the murderous Indian would not have been stayed short of the banks of the Mississippi. The news of the outbreak reached St. Peter on Monday night. By sundown the next day a detachment of Captain Flandrean's company reached and saved New Ulm from capture, and Captain Galbraith, with his Renville rangers, at the same hour, entered Fort Ridgely, forty-five miles from St. Peter, probably securing its safety. Arms and munitions had all to be provided; but these troops, as well as those that speedily followed from other points, foraged and levied subsistence at will upon the country through which they passed. This army swelled ultimately, under General Sibley, to more than six thousand, and from the necessity of the case, with all the persons and prisoners they brought back from Camp Release, subsisted in this irregular way, consuming the substance of the deserted neighborhood, using their fences for fuel, and appropriating every species of property that might be made useful. It was several weeks after the raid before these forces were regularly organized and mustered into the service of the United States. Portions of the militia returned to their homes. We suppose that Congress did not use the term "troops of the United States" in any limited or technical sense; and, arguing *a fortiori*, we presume their true intention rather was to repair the ravages occasioned by an irregular and unorganized army. This conclusion is strengthened by the proceedings, attested by the Congressional Globe of January 27, 1863, recording the action of the Senate on the bill, (House bill No. 582,) by which it appears this clause was amended by changing the words "troops of the United States," so as to read, "or by troops defending in behalf of the United States." The bill appears to have passed both houses in this form, but by some error of the transcribing or enrolling clerk, or of the printer, the amendment was not incorporated in the published copy of the law.

In a few instances where witnesses resided at a distance, or other sufficient cause was shown, their testimony was taken before a judicial officer, upon a commission for that purpose issued by us, in pursuance of your instructions.

We have apportioned under the 2d section of the act of February 16, 1863, to the heads of families, or their survivors, as therein directed, one hundred and eighty-four thousand three hundred and ninety-two dollars, (\$184,392;) and the balance of the appropriation of two hundred thousand dollars, placed at our disposal, we have applied in satisfaction (in whole or in part) of the entire damages awarded to them and other classes of persons, as directed in your letter of the 2d of April last, for all of which duplicate vouchers have been taken, one copy of which has been returned to your department, and one to that of the Secretary of the Treasury; all of which vouchers, including those for the expenses of the commission, are hereby certified by us to be correct. They are numbered consecutively from number one (1) to number thirteen hundred and eighty (1,380,) inclusive.

A register in two bound volumes, certified by us, and herewith returned to you, has been kept by us, showing, in appropriate columns, an abstract of all the complaints presented and filed, with their numbers, names of the complainants, nature of the claim, amount claimed, amount awarded and paid, either as "present relief" or generally, and balance of award remaining unpaid, and showing also the claims rejected. All other claims appearing on said register are returned without any award, as above herein stated, and for the reasons there stated, or have been withdrawn by the parties.

Accompanying this we send you an account current of disbursements, with a statement of deficit of appropriation on expense account.

Thomas J. Galbraith, esquire, the enlightened and conscientious agent of the United States for the Sioux of Minnesota, has, upon your suggestion, attended our sessions much of the time when his public duties did not call him elsewhere. His counsel and experience have materially aided us in the progress of our investigations.

We are indebted to our excellent secretary, Mr. Laraway, for the perfect order in which our books, papers, and accounts have been kept, under most unfavorable circumstances, and to the other officers and assistants of the commission.

Respectfully submitted.

A. W. V. WHITE,
President.
ELI R. CHASE,
CYRUS ALDRICH,
Commissioners.

Hon. JOHN P. USHER,
Secretary of the Interior.